

Applicant : Daniel L. Roth et al  
Serial No. : 09/779,426  
Filed : February 8, 2001  
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Attorney's Docket No.: 10663-013001

Claim 1

Claim 1 recites "an unrecognized speech comparison process ... for comparing said user's speech command ... to determine if the user's speech is unrecognizable speech, as opposed to non-speech."

The examiner states that "Curry et. al. teach a speech detector (element 220 in figure 2A) for determining whether the input signal is speech or non-speech before the recognition step." However, Curry teaches performing step 220 (labeled "SPEECH DETECTED?") using an "audio input device 118 (e.g., a microphone)," a "filter/amplifier module 116," and an "A/D converter 114" coupled to "processor 102" which determines "whether the voice input corresponds to a system recognized command." Therefore, despite the labeling of step 220 as "SPEECH DETECTED?", based on Curry's description, there is nothing to suggest that this step 220 would not detect any sound that is received by the audio input device 118, filter/amplifier module 116, and A/D converter 114, including non-speech sound that is sufficiently loud.

Even if, for the sake of argument, step 220 were to be interpreted as determining whether the input to processor 102 is speech or non-speech, Curry has not enabled one of skill in the art to practice such a step. That is, there is no teaching of how to configure the filter/amplifier module 116 to distinguish between a speech sound and a non-speech sound.

Therefore, although Curry may determine if speech is recognized as opposed to unrecognized (using processor 102), Curry does not determine if input speech is unrecognized speech as opposed to non-speech as the claim requires. Curry has only two categories: recognized speech and unrecognized speech, and therefore does not anticipate the claim. Furthermore, Curry makes no suggestion that unrecognized speech should be distinguished from non-speech, and therefore the claim is not obvious in view of Curry.

Other independent claims

Each of the other independent claims (17, 24, 28, and 34) includes a similar limitation related to unrecognized speech as opposed to non-speech, and are allowable for the same reasons as those set forth above for claim 1.

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Dependent claims

The dependent claims are allowable for at least the reasons as those set forth above for the independent claims upon which they respectively depend.

The fact that the Applicant has not made additional comments does not imply that there are not other good reasons for the patentability of the pending claims and additional claims. Also, the Applicant does not necessarily agree with positions taken in the Office Action, for example, related to the teaching of specific references or the grounds for combining multiple references.

Please apply any charges or credits to deposit account 06-1050, referencing attorney docket 10663-013001.

Respectfully submitted,

Date:

Dec. 13, 2004

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